

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
FEB

Clerk, U.S. District Court
Missoula

RODNEY A. EDMUNDSON,

CV 13-00032-M-JCL

Plaintiff,

vs.

ORDER

TAMMY BOWEN,

Defendants.

Plaintiff Rodney Edmundson, a pro se prisoner litigant, proceeding in forma pauperis has filed a document entitled “Motion to Object to Magistrate’s Order denying Appointment of Counsel.” (Doc. 24.) The parties have consented to the undersigned conducting all further proceedings in this matter. (Clerk’s Notice Upon Consent, Doc. 20.) As such, Edmundson may appeal all orders of this Court directly to the Ninth Circuit Court of Appeals but only upon entry of final judgment. *See* 28 U.S.C. 636(c)(3). It is improper to appeal every interlocutory order. With few exceptions not applicable here, the Ninth Circuit Court of Appeals only has jurisdiction over “final decisions of the district courts.” 28 U.S.C. § 1291. A denial of counsel in a civil rights action brought under 42 U.S.C. § 1983 is not immediately appealable. *Wilborn v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986).

To the extent Edmundson's motion can be construed as a motion for reconsideration it is denied. Local Rule 7.3(a) requires parties to obtain leave of court prior to filing any motion for reconsideration. Accordingly, the motion will be treated as a motion for leave to file a motion for reconsideration.

Local Rule 7.3(b) requires that motions for leave to file a motion for reconsideration meet at least one of the following two criteria:

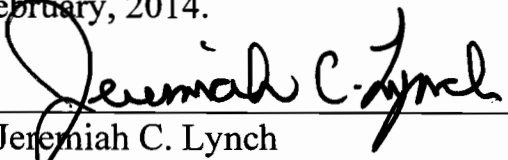
- (1) (A) the facts or applicable law are materially different from the facts or applicable law that the parties presented to the Court before entry of the order for which reconsideration is sought, and
(B) despite the exercise of reasonable diligence, the party applying for reconsideration did not know such fact or law before entry of the order; or
- (2) new material facts emerged or a change of law occurred after entry of the order.

Edmundson has made no such showing. His current motion provides no justification to reconsider the order denying counsel.

Accordingly, it is HEREBY ORDERED that:

Edmundson's "Motion to Object to Magistrate's Order denying Appointment of Counsel" (Doc. 24) is denied.

DATED this 5th day of February, 2014.


Jeremiah C. Lynch
United States Magistrate